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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,627	12/27/2001	Scott T. Stillman	60027.0247US1/BS01309	9302

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
HOOSAIN, ALLAN	
ART UNIT	**PAPER NUMBER**
2645	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/033,627	STILLMAN ET AL.	
	Examiner	Art Unit	
	Allan Hoosain	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,20-27,29-33 and 35-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18,20-27,29-33 and 35-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-18,20-27,29-33,35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wheeler, Jr**. (US 5,583,920) in view of **McKinley, Jr. et al**. (US 6,665,377).

As to Claims 1,6-9,11-18,20,22-27,29-30,32-33,35-37, with respect to Figures 1 and 5-7, **Wheeler, Jr**. teaches in an advanced intelligent network, a method for using IP (voice activated dialing (VAD)) service with respect to originating a communication from a first calling line number, comprising:

encountering an originating trigger including a PIN (feature code) and querying a first network element to obtain instructions for routing the communication, wherein the first network element determines whether a calling line associated with the first calling line number is subscribed to IP (VAD) service (Figure 5, labels S1,S2,S3 and Col. 14, lines 43-46 and Col. 31, lines 30-35);

if the calling line is subscribed to IP (VAD) service, establishing a call path between the calling line and an intelligent peripheral with voice recognition and processing capabilities, wherein the intelligent peripheral prompts collection of a response (an utterance) from the calling line and translates the response (utterance) into identifying information associated with a called line (Figure 6, labels 6-8);

(C) receiving a message that includes the identifying information (Figure 6, labels 9-10); and

(D) dropping the call path between the calling line and the intelligent peripheral and completing the communication between the calling line and the called line (Figure 6, labels 11-12 and Col. 31, lines 44-63 and Col. 32, lines 8-33);

Wheeler, Jr. does not teach the following limitations:

"Voice activated dialing", and "an utterance"

However, it is obvious that **Wheeler, Jr**. suggests the limitation. This is because **Wheeler, Jr**. teaches IPs with voice recognition, speech recognition and voice or DTMF inputs capabilities (Col. 15, lines 14-23, Col. 27, lines 30-36 and Col. 35, lines 35-38). **McKinley** teaches VADs which can be IPs in AIN networks (Col. 4, lines 38-51). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to

add VAD capability to **Wheeler, Jr.**'s invention for voice activated dialing as taught by **McKinley's** invention in order to provide advanced services to callers and called parties.

As to Claims 2-4, **Wheeler, Jr.** teaches the method of claim 1, wherein the advanced intelligent network has GR 1129 capabilities (Col. 29, lines 12-15).

As to Claims 5,31, **Wheeler, Jr.** teaches the method of claim 1, wherein the intelligent peripheral transmits the identifying information to the first network element via a TCP/IP connection (Figure 3, label 1109).

As to Claims 10,21, **Wheeler, Jr.** teaches the method of claim 1, wherein the call path is a primary rate interface with ISDN signaling (Figure 4, label 1205).

4. Claims 1-18,20-27,29-33,35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wheeler, Jr.** in view of **McKinley, Jr.** and further in view of **Schier et al.** (US 6,233,316).

As to Claims 1,6-9,11-18,20,22-27,29-30,32-33,35-37, with respect to Figures 1 and 5-7, **Wheeler, Jr.** teaches in an advanced intelligent network, a method for using IP (voice activated dialing (VAD)) service with respect to originating a communication from a first calling line number, comprising:

encountering an originating trigger including a PIN (feature code) and querying a first network element to obtain instructions for routing the communication, wherein the first network element determines whether a calling line associated with the first calling line number is subscribed to IP (VAD) service (Figure 5, labels S1,S2,S3 and Col. 14, lines 43-46 and Col. 31, lines 30-35);

if the calling line is subscribed to IP (VAD) service, establishing a call path between the calling line and an intelligent peripheral with voice recognition and processing capabilities, wherein the intelligent peripheral prompts collection of a response (an utterance) from the calling line and translates the response (utterance) into identifying information associated with a called line (Figure 6, labels 6-8);

(C) receiving a message that includes the identifying information (Figure 6, labels 9-10); and

(D) dropping the call path between the calling line and the intelligent peripheral and completing the communication between the calling line and the called line (Figure 6, labels 11-12 and Col. 31, lines 44-63 and Col. 32, lines 8-33);

Wheeler, Jr. does not teach the following limitations:

"Voice activated dialing", "feature code" and "an utterance"

However, it is obvious that **Wheeler, Jr**. suggests the limitation. This is because **Wheeler, Jr**. teaches IPs with voice recognition, speech recognition and voice or DTMF inputs capabilities (Col. 14, lines 43-46, Col. 15, lines 14-23, Col. 27, lines 30-36 and Col. 35, lines 35-38). **McKinley** teaches VADs which can be IPs in AIN networks (Col. 4, lines 38-51). **Schier** teaches service codes (feature codes) (Col. 6, lines 30-34). Having the cited analogous art at the

time the invention was made, it would have been obvious to one of ordinary skill in the art to add VAD and feature code capabilities to **Wheeler, Jr.**'s invention for voice activated dialing using service codes as taught by **McKinley's** and **Schier's** inventions in order to provide advanced services to callers and called parties using codes that are easily remembered.

As to Claims 2-4, **Wheeler, Jr.** teaches the method of claim 1, wherein the advanced intelligent network has GR 1129 capabilities (Col. 29, lines 12-15).

As to Claims 5,31, **Wheeler, Jr.** teaches the method of claim 1, wherein the intelligent peripheral transmits the identifying information to the first network element via a TCP/IP connection (Figure 3, label 1109).

As to Claims 10,21, **Wheeler, Jr.** teaches the method of claim 1, wherein the call path is a primary rate interface with ISDN signaling (Figure 4, label 1205).

Response to Arguments

5. Applicant's arguments with respect to claims 1-18,20-27,29-33,35-37 have been considered but are moot in view of the new ground(s) of rejection and the following:

Wheeler teaches an autodialing speech responsive service (VAD service) and off-hook immediate triggers (originating triggers) (Col. 14, lines 43-47). Therefore **Wheeler** does teach the argued originating trigger and suggest VAD services. **Wheeler** also teaches that services

provided by the IP are features (see Abstract). Therefore, receiving PINs from callers are equivalent to the argued feature codes (Col. 31, lines 30-35).

Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Averkamp (US 6,865,403) teaches mobile access to VAD servers in wireless networks.

Stillman et al. (US 6,813,348) teach feature code dialing in AIN networks.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:
(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE")
Or:
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Carlyle, Alexandria, VA 22313 (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Allan Hoosain
Allan Hoosain
Primary Examiner
6/6/05